

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

FUNCTION MEDIA, L.L.C.

Plaintiff,

vs.

GOOGLE INC. AND YAHOO, INC.

Defendants.

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Civil Action No. 2:07-CV-279

**JURY TRIAL DEMANDED**

**GOOGLE’S RESPONSE TO FUNCTION MEDIA’S  
MOTION TO CONSOLIDATE ARGUMENT ON  
GOOGLE’S AND FUNCTION MEDIA’S MOTIONS TO EXCLUDE EXPERT OPINIONS**

Function Media has asked the Court to hear arguments at the same time for the parties’ pending motions to exclude expert testimony. At the January 5th pre-trial hearing, the Court already heard argument on Google’s Motion to Exclude Certain Opinions of Function Media’s Damages Expert Walter Bratic. (Dkt. No. 329.) Accordingly, the two motions can no longer be argued on the same day, and the Court should deny Function Media’s motion as moot.

Dated: January 7, 2010

Respectfully submitted,  
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By: /s/ Amy H. Candido

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Counsel for Defendant and Counter-Claimant  
GOOGLE INC.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on January 7, 2010 to counsel of record in the manner agreed by the parties, via electronic mail.

/s/ Amy H. Candido

Amy H. Candido